UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
2175	4

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	Application No. 09/961,354		Applicant(s) SLESINSKY, BRIAN
	Examiner Neveen Abel-Jalil		Art Unit 2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-33_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-33_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

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SUPERVISORY PATENT EXAMINER
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Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 10, 12, 21, 23, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated

by Arun et al. (U.S. Patent No. 6,557,012 B1).

As to claim 1, Arun et al. discloses a method of maintaining databases in synchronism

with software applications which support the databases in relation to installations (See column

29, lines 26-37, wherein "software" reads on "instructions"), the method comprising the steps of:

obtaining a table schema employable by a database supported by a version of a software

application (See column 28, lines 7-30, wherein "software application" reads on

"encoded...application programs", also see column 6, lines 31-43);

synchronizing the table schema implemented by the database to conform to with the table

schema employable by the database (See column 19, lines 38-53);

wherein the synchronizing is in association with an installation of the version of the

software application (See column 19, lines 54-67, and see column 20, lines 1-10).

As to claim 10, <u>Arun et al.</u> discloses wherein synchronizing the table schema implemented by the database to conform with the table schema employable by the database includes creating schema data in the table schema implemented by the database according to the schema employable by the database (See column 7, lines 34-51, also see column 6, lines 31-43).

As to claim 12, <u>Arun et al.</u> discloses a system for maintaining databases in synchronism with software applications which support the databases in relation to installations (See column 29, lines 26-37, wherein "software" reads on "instructions"), the method comprising the steps of:

a first interface operable to obtain a table schema employable by a database supported by a version of a software application (See column 28, lines 7-30, wherein "software application" reads on "encoded...application programs", also see column 6, lines 31-43);

a script maker operable to synchronize the table schema implemented by the database to conform with the table schema employable by the database (See column 19, lines 38-53, also see column 29, lines 26-37, wherein "script maker" reads on "instructions");

wherein the synchronizing is in association with an installation of the version of the software application (See column 19, lines 54-67, and see column 20, lines 1-10).

As to claim 21, <u>Arun et al.</u> discloses wherein the script make is operable to create schema data in the table schema implemented by the database according to the schema employable by the database (See column 7, lines 34-51, also see column 6, lines 31-43).

As to claim 23, <u>Arun et al.</u> discloses a computer program product for maintaining

databases in synchronism with software applications which support the databases in relation to

installations (See column 29, lines 26-37, wherein "software" reads on "instructions"), to the

computer program product comprising:

a computer readable medium; and

computer program instructions, recorded on the computer readable medium, executable

by a processor (See column 29, lines 26-37, also see column 13, lines 11-27), for performing the

steps of:

obtaining a table schema employable by a database supported by a version of a software

application (See column 28, lines 7-30, wherein "software application" reads on

"encoded...application programs", also see column 6, lines 31-43); and

synchronizing the table schema, implemented by the database to conform with the table

schema employable by the database (See column 19, lines 38-53);

wherein the synchronizing is in association with an installation of the version

of the software application (See column 19, lines 54-67, and see column 20, lines 1-10).

As to claim 32, <u>Arun et al.</u> discloses wherein synchronizing the table schema

implemented by the database to conform with the table schema employable by the database

includes creating schema data in the table schema implemented by the database according to the

schema employable by the database (See column 7, lines 34-51, also see column 6, lines 31-43).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 2-9, 11, 13-20, 22, 24-31, and 33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Arun et al. (U.S. Patent No. 6,557,012 B1) in view of Grier et al. (U.S. Pub.

2002/0100017 A1).

As to claim 2, Arun et al. does not teach comprising storing the table schema is

employable by the database in a configuration file.

Grier et al. teaches comprising storing the table schema is employable by the database in

a configuration file (See abstract, also see page 10, paragraphs 0075-0076).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified Arun et al. to include comprising storing the table schema

is employable by the database in a configuration file.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have modified Arun et al. by the teaching of Grier et al. to include comprising

storing the table schema is employable by the database in a configuration file because a

configuration file provides an efficient location to store and access version data during and after

initial application software installation.

As to claim 3, Arun et al. as modified still does not teach wherein the file is provided in a markup language including database representation table data associated with the version of the software application.

Grier et al. teaches wherein the file is provided in a markup language including database representation table data associated with the version of the software application (See Grier et al. page 4, paragraph 040, also see Grier et al. page 9, paragraph 0066)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Arun et al. as modified to include wherein the file is provided in a markup language including database representation table data associated with the version of the software application.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Arun et al. as modified by the teaching of Grier et al. to include wherein the file is provided in a markup language including database representation table data associated with the version of the software application because markup languages are well used today in the database art which create standard efficient representation of the underlying data records over distributed networked devices.

As to claim 4, Arun et al. as modified discloses comprising determining that the table schema employable by the database conflicts with a table schema implemented by the database (See column 19, lines 54-67, wherein "determining...conflicts" reads on "detection").

As to claim 5, <u>Arun et al.</u> as modified discloses wherein determining that the table schema employable by the database conflicts with the table schema implemented by the database includes reading the configuration file (See column 20, lines 11-31, wherein "reading" reads on "generate...it provide them to the user").

As to claim 6, <u>Arun et al.</u> as modified discloses wherein determining that the table schema employable by the database conflicts with the table schema implemented by the database includes examining the table schema implemented by the database (See column 5, lines 15-36).

As to claim 7, <u>Arun et al.</u> as modified discloses wherein determining that the table schema employable by the database conflicts with the table schema (See column 5, lines 15-36) implemented by the database includes identifying schema data in the table schema employable by the database required in the table schema implemented by the database (See column 6, lines 18-43).

As to claim 8, <u>Arun et al.</u> as modified discloses wherein synchronizing the table schema implemented by the database to conform with the table schema employable by the database includes adding the schema data to the schema implemented by the database (See column 6, lines 18-43).

As to claim 9, <u>Arun et al.</u> as modified discloses comprising performing an update installation of the software application (See <u>Grier et al.</u> page 9, paragraph 0065).

As to claim 11, <u>Arun et al.</u> does not teach comprising performing an initial installation of the software application.

<u>Grier et al.</u> teaches teach comprising performing an initial installation of the software application (See <u>Grier et al.</u> page 2, paragraph 0012, also see <u>Grier et al.</u> page 4, paragraph 0038).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified <u>Arun et al.</u> to include comprising performing an initial installation of the software application.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified <u>Arun et al.</u> by the teaching of <u>Grier et al.</u> to include comprising performing an initial installation of the software application because up-to-date application software enhancing the access to the database during or after the initial installation provides for reductions in error and decrease in business costs of implementation.

As to claim 13, <u>Arun et al.</u> does not teach comprising a configuration file operable to store the table schema employable by the database.

<u>Grier et al.</u> teaches comprising storing the table schema is employable by the database in a configuration file (See abstract, also see page 10, paragraphs 0075-0076).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified <u>Arun et al.</u> to include comprising storing the table schema is employable by the database in a configuration file.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Arun et al. by the teaching of Grier et al. to include comprising storing the table schema is employable by the database in a configuration file because a configuration file provides an efficient location to store and access version data during and after initial application software installation.

As to claim 14, Arun et al. as modified still does not teach wherein the file is provided in a markup language including database representation table data associated with the version of the software application.

Grier et al. teaches wherein the file is provided in a markup language including database representation table data associated with the version of the software application (See Grier et al. page 4, paragraph 040, also see Grier et al. page 9, paragraph 0066)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Arun et al. as modified to include wherein the file is provided in a markup language including database representation table data associated with the version of the software application.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Arun et al. as modified by the teaching of Grier et al. to include wherein the file is provided in a markup language including database representation table data associated with the version of the software application because markup languages are well used today in the database art which create standard efficient representation of the underlying data records over distributed networked devices.

As to claim 15, <u>Arun et al.</u> as modified discloses comprising a difference algorithm

operable to determine that the table schema employable by the database conflicts with a table

schema implemented by the database (See column 19, lines 54-67, wherein

"determining...conflicts" reads on "detection").

As to claim 16, <u>Arun et al.</u> as modified discloses wherein the difference algorithm is

operable to read the configuration file (See column 20, lines 11-31, wherein "reading" reads on

"generate...it provide them to the user").

As to claim 17, <u>Arun et al.</u> as modified discloses wherein the difference algorithm is

operable to examine the table schema implemented by the database (See column 5, lines 15-36).

As to claim 18, <u>Arun et al.</u> as modified discloses wherein the difference algorithm is

operable to identify schema data in the table schema (See column 6, lines 18-43) employable by

the database required in the table schema implemented by the database (See column 5, lines 15-

36).

As to claim 19, <u>Arun et al.</u> as modified discloses wherein the script maker is operable to

add the schema data to the schema implemented by the database (See column 6, lines 18-43).

As to claim 20, <u>Arun et al.</u> as modified discloses wherein an update installation of the software application is performed (See <u>Grier et al.</u> page 9, paragraph 0065).

As to claim 22, <u>Arun et al.</u> does not teach comprising performing an initial installation of the software application.

<u>Grier et al.</u> teaches teach comprising performing an initial installation of the software application (See <u>Grier et al.</u> page 2, paragraph 0012, also see <u>Grier et al.</u> page 4, paragraph 0038).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified <u>Arun et al.</u> to include comprising performing an initial installation of the software application.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified <u>Arun et al.</u> by the teaching of <u>Grier et al.</u> to include comprising performing an initial installation of the software application because up-to-date application software enhancing the access to the database during or after the initial installation provides for reductions in error and decrease in business costs of implementation.

As to claim 24, <u>Arun et al.</u> does not teach comprising computer program instruction for storing the table schema employable by the database in a configuration file.

<u>Grier et al.</u> teaches comprising storing the table schema is employable by the database in a configuration file (See abstract, also see page 10, paragraphs 0075-0076).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified Arun et al. to include comprising storing the table schema

is employable by the database in a configuration file.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have modified Arun et al. by the teaching of Grier et al. to include comprising

storing the table schema is employable by the database in a configuration file because a

configuration file provides an efficient location to store and access version data during and after

initial application software installation.

As to claim 25, Arun et al. as modified still does not teach wherein the file is provided in

a markup language including database representation table data associated with the version of the

software application.

Grier et al. teaches wherein the file is provided in a markup language including database

representation table data associated with the version of the software application (See Grier et al.

page 4, paragraph 040, also see Grier et al. page 9, paragraph 0066)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have further modified Arun et al. as modified to include wherein the file

is provided in a markup language including database representation table data associated with the

version of the software application.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have further modified Arun et al. as modified by the teaching of Grier et al. to

include wherein the file is provided in a markup language including database representation table

data associated with the version of the software application because markup languages are well

used today in the database art which create standard efficient representation of the underlying

data records over distributed networked devices.

As to claim 26, Arun et al. as modified discloses comprising computer program

instruction for determining that the table schema employable by the database conflicts with a

table schema implemented by the database (See column 19, lines 54-67, wherein

"determining...conflicts" reads on "detection").

As to claim 27, Arun et al. as modified discloses wherein determining that the table

schema employable by the database conflicts with the table schema implemented by the database

includes reading the configuration file (See column 20, lines 11-31, wherein "reading" reads on

"generate...it provide them to the user").

As to claim 28, Arun et al. as modified discloses wherein determining that the table

schema employable by the database conflicts with the table schema implemented by the database

includes examining the table schema implemented by the database (See column 5, lines 15-36).

As to claim 29, Arun et al. as modified discloses wherein determining that the table

schema employable by the database conflicts with the table schema (See column 6, lines 18-43)

implemented by the database includes identifying schema data in the table schema employable

by the database required in the table schema implemented by the database (See column 5, lines 15-36).

As to claim 30, Arun et al. as modified discloses wherein synchronizing (See column 19, lines 29-53, also see column 20, lines 11-47) the table schema implemented by the database to conform with the table schema employable by the database includes adding the schema data to the schema implemented by the database (See Grier et al. page 10, paragraph 0075, wherein "conforms" reads on "same schema", also see Arun et al. column 1, lines 18-30, also see Arun et al. column 6, lines 18-43).

As to claim 31, Arun et al. as modified discloses comprising: computer program instruction for performing an update installation of the software application (See Grier et al. page 9, paragraph 0065).

As to claim 33, Arun et al. does not teach comprising performing an initial installation of the software application.

Grier et al. teaches teach comprising performing an initial installation of the software application (See Grier et al. page 2, paragraph 0012, also see Grier et al. page 4, paragraph 0038).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Arun et al. to include comprising performing an initial installation of the software application.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified <u>Arun et al.</u> by the teaching of <u>Grier et al.</u> to include comprising performing an initial installation of the software application because up-to-date application software enhancing the access to the database during or after the initial installation provides for reductions in error and decrease in business costs of implementation.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

<u>Bowman-Amuah</u> (U.S. Patent No. 6,256,773 B1) teaches configuration management in development architecture framework.

<u>Zander</u> (U.S. Patent No. 6,453,310 B1) teaches installable schema for low-overhead database.

<u>Zintel et al.</u> (U.S. Pub. 2002/0035621 A1) teaches XML-Based language description for controlled devices.

<u>Chatterjee et al.</u> (U.S. Patent No. 6,584,476 B1) teaches enforcing referential constraints between versioned database tables.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114. The examiner can normally be reached on 8:00AM-4: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-746-7239 for regular

communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

Neveen Abel-Jalil
July 25, 2003

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